

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CITY OF GRAND RAPIDS,
Plaintiff/Counter-Defendant,

Case No. 1:17-cv-00113

vs.

Hon. Paul L. Maloney

**GRAND RAPIDS POLICE COMMAND
OFFICERS ASSOCIATION, MATTHEW
JANISKEE, KRISTE KIBBEY ETUE-
MICHIGAN STATE POLICE, and
JEFFREY GETTING-KALAMAZOO
COUNTY PROSECUTOR**
Defendants.

**MATTHEW JANISKEE'S MOTION
TO ALLOW TIME FOR
DISCOVERY UNDER RULE 56(d)**

and

MATTHEW JANISKEE, and all those
similarly situated,
Counter-Plaintiff/Cross-Plaintiff/Third-
Party Plaintiff,

ORAL ARGUMENT REQUESTED

vs.

CITY OF GRAND RAPIDS,
Counter-Defendant,

**KRISTE KIBBEY ETUE-MICHIGAN
STATE POLICE and JEFFREY
GETTING-KALAMAZOO COUNTY
PROSECUTOR,**
Cross-Defendants,

**DAVID RAHINSKI, DANIEL SAVAGE,
DAVID KIDDLE, PETER McWATERS,
and DAVID SCHNURSTEIN,**
Third-Party Defendants.

**MATTHEW JANISKEE'S MOTION TO ALLOW TIME FOR DISCOVERY UNDER
RULE 56(d)**

Defendant/Counter-Plaintiff/Cross-Plaintiff/Third-Party Plaintiff, Matthew Janiskee (“Lieutenant Janiskee”) respectfully moves the Court under Federal Rule of Civil Procedure 56(d) to allow time for discovery. As fully explained in the Lieutenant Janiskee’s Brief in Support of this Motion and the attached Rule 56(d) declaration, the City filed a Motion for Summary Judgment (ECF No. 73) (the City’s “Motion”) prior to discovery. Without discovery, Lieutenant Janiskee cannot gather and present facts essential to support his opposition to the City’s Motion.

THEREFORE, Lieutenant Janiskee respectfully requests this Court grant Matthew Janiskee’s Motion to Allow Time for Discovery Under Rule 56(d) and either (1) deny the City’s Motion as premature to allow for adequate discovery, or (2) defer consideration of the City’s Motion until after adequate discovery can be conducted.

Respectfully submitted,

RODENHOUSE KUIPERS, P.C.

Date: July 13, 2017

/s/ C. Christopher Newberg
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